

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:23-cv-21347-JEM

MIAMI SLICE PIZZA, LLC, a Florida
limited liability company,

Plaintiff/Counter-Defendant,

v.

CARNIVAL CORPORATION, a Florida
corporation

Defendant/Counter-Plaintiff.

/

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff Miami Slice Pizza, LLC (“Miami Slice”) and Defendant Carnival Corporation (“Carnival”) (collectively, the “Parties”), by and through their undersigned counsel, jointly move pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 7.1 to amend certain deadlines pertaining to expert report disclosures in the Court’s Order Setting Civil Trial Date and Pretrial Schedule, Requiring Mediation, and Referring Certain Motions to Magistrate Judge [D.E. 10] (the “Scheduling Order”), and the Parties state as follows:

1. The Court entered its Scheduling Order on July 6, 2023 setting *inter alia* a January 1, 2024 deadline for the Parties to exchange expert witness summaries and reports as well as a January 31, 2024 deadline to exchange rebuttal expert witness summaries and reports. Order, at 5. The Scheduling Order also requires all discovery to conclude by March 21, 2024, and trial is set for July 29, 2024. *Id.*, at 1 and 5.

2. The Parties are jointly requesting these expert report deadlines be extended by one month, and that the scheduling order be amended, as follows:

Current Deadlines

1-1-2024 Parties shall exchange expert witness summaries and reports.
1-31-2024 Parties exchange rebuttal expert witness summaries and reports.

Proposed Deadlines

2-1-2024 Parties shall exchange expert witness summaries and reports.
3-1-2024 Parties exchange rebuttal expert witness summaries and reports.

3. Good cause exists to amend the Scheduling Order for several reasons. First, the current deadline falls on New Years Day, a federal holiday, which is an inconvenience to the expert witnesses. Second, the Parties will be prejudiced in the preparation of their respective expert reports as most, if not all, of the expert report drafting period falls during the holidays. Third, Carnival recently moved to bifurcate the case between a liability portion and a damages portion. *See* [D.E. 19]. Miami Slice opposes this bifurcation but, nevertheless, concedes that if the Court grants Carnival's motion to bifurcate then the Parties should not be incurring discovery expenses at this time that relate to damages including the preparation of damages expert reports. Thus, a one-month extension allows the Parties to defer damages expert expenses until the Court rules upon Carnival's bifurcation motion. Finally, the Parties have worked diligently towards settlement discussions including holding an early mediation. *See* Final Mediation Report [D.E. 17]. Although there was an impasse at mediation, the Parties continue to engage in productive settlement discussions and deferring expert report expenses by a month would be helpful to those negotiations.

4. This is the first Scheduling Order modification requested by either Party. Additionally, this modest extension should not affect any other date on the Scheduling Order including the July 29th trial date.

WHEREFORE the Parties jointly request the Court amend the Scheduling Order deadlines pertaining to the exchange of expert reports as proposed herein.

Dated: November 2, 2023

Respectfully submitted,

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Counsel for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail on November 2, 2023 on all counsel or parties of record via CM/ECF filing.

/s/ A. Robert Weaver
A. Robert Weaver